

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
JULY 25, 2011**

QUORUM:

A meeting of the Mayor and Common Council was held in the Council Chambers at City Hall, 1838 Emerald Hill Lane, Westminster, Maryland on the evening of July 25, 2011, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Chiavacci, Frazier, Wack, and Whitson; City Administrator and Acting City Clerk Wolf, City Treasurer Ehlers; Chief of Police Spaulding, Director of Public Works Glass, Director of Planning, Zoning, and Development Beyard, and Interim Director of Planning, Zoning, and Development Horn; and City Attorney Levan were present. Director of Recreation and Parks Schroers was excused from attending.

Mayor Utz proclaimed August 2, 2010 as the 27th annual National Night Out in the City of Westminster. Chief Spaulding stated that there are currently six celebrations that will be held throughout the City.

MINUTES:

Upon motion of Mr. Chiavacci, seconded by Mr. Whitson and unanimously passed, the minutes of the Council meeting of July 11, 2011 were approved.

CONSENT CALENDAR:

Dr. Wack moved to approve the Consent Calendar, which consisted of the Departmental Operating Reports for June 2011 and the School Bus Safety Grant. Mr. Frazier seconded the motion. Mr. Whitson inquired whether there were any stipulations regarding the School Bus Safety grant from the Governor's Office of Crime Control and Prevention. Chief Spaulding informed Mr. Whitson that this is a grant that the City applies for each year to provide the department overtime funding to conduct school bus enforcement within the City limits. He assured that the City did not need to provide matching funds. The Consent Calendar passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz reported that on July 12th he, along with Ms. Wolf and Mr. Horn, met with Cindy Parr, the new Director of the Human Services Program of Carroll County where they discussed local issues regarding the community. He also reported that he and Ms. Wolf met with Carroll County Commissioner Dave Roush to discuss recent activities between the City and County's staff.

REPORTS FROM STANDING COMMITTEES:

Mr. Frazier recommended making a change to Chapter 139 of the City Code and require new and replacement driveways, sidewalks, and parking lots in the City to be replaced with either porous cement or a comparable product approved by the City. He stated that he has heard a lot about this practice in the past several weeks and he is aware other municipalities heading in that direction. He feels that it is a good step for the City to look into to prevent water runoff.

Ms. Wolf explained that this is will be included in the City's design standards manual that is currently being edited and will hopefully be completed by the end of the summer. She added that it will include a number of different techniques, including Mr. Frazier's suggestion.

Dr. Wack inquired as to how that would impact the requirements for stormwater management.

Mr. Glass stated that the change would be a move in the right direction with stormwater management. He explained that instead of providing runoff into the stormwater management ponds, the runoff goes directly into the ground. He added that it saves on total maximum daily load (TMDL) and the treatment side of stormwater management.

Ms. Wolf stated that they are trying to build the design standard manual so that the code does need to be changed every time something is added or removed. She added that it will include a number of different resource conservation measures.

Mr. Frazier then suggested that the City install recycling receptacles throughout downtown Westminster.

Mr. Glass explained that he was recently contacted by an advertising firm that was interested in placing receptacles for trash and recycling downtown and in return, they would like to advertise on the space provided. He added that he and Ms. Wolf believe the logistics of controlling what is being advertised would need to be worked out. Mr. Glass stated that the receptacles would be maintained either by the advertising firm or the City, for a fee.

Mr. Chiavacci stated that while he likes the idea of having recycling in downtown Westminster, he does not like the idea of selling advertising space. He explained that downtown is nice and charming and he feels that the advertising would detract from the look and feel of the City. He reiterated that he is not opposed to putting recycling cans downtown.

Mr. Frazier explained that the advertising with the receptacles was just one way to look at it since the firm would take care of them. He added that the City could put their cans out for recycling, but the City would then be responsible for the maintenance.

Mayor Utz added that he was not opposed to the idea, but he wanted to make sure that whatever is done, it stays consistent with what it currently installed.

President Halstad recommended pursuing different receptacle models based on the reservations of the Common Council in both aesthetics and mercantile features.

Dr. Wack reported that he attended the training session for the new members of the Planning and Zoning Commission which was very interesting and that he learned a lot.

BIDS:

Mr. Glass reported that the current year budget contains \$1.4M identified for milling and resurfacing the streets in the City of Westminster. He stated that the City advertised the project June 15th through June 27th and bids were due and opened on July 7th. He explained that four bids were received, ranging from a high of \$2,173,810 to a low of \$1,397,450 from C.J. Miller, LLC, the contractor that just finished up last year's work. He stated that C.J. Miller has always provided the City with an exceptional product and he was quite pleased that they could provide the lowest bid. Mr. Glass recommended that the Mayor and Common Council accept the bid of \$1,397,450 from C.J. Miller, LLC to complete the milling and resurfacing of the streets in Westminster for fiscal year 2011-2012. He added that although the budgeted amount is \$1.4M, the bid quantities and the total contract amount will be adjusted accordingly and will not exceed the budgeted amount.

Dr. Wack inquired as to how deep into the list of streets they were able to get in the last year.

Mr. Glass explained that they went further into Middlebrook than he expected, picking up two or three additional streets. He added that they expect to finish Middlebrook and then move to Carroll Meadow. He is hoping to have C.J. Miller start work within a month or so, depending upon their schedule.

Dr. Wack questioned how the City did against the budgeted figures from last year.

Mr. Glass stated that it was within \$10,000 of last year's money.

Upon motion of Dr. Wack, seconded by Mr. Chiavacci and unanimously passed, the bid in the amount of \$1,397,450 submitted by C.J. Miller, LLC was awarded for the Annual Roadway Paving Contract for FY 2011-2012.

Mr. Glass the reported that back in 2010, the City was contacted by the Maryland Center for Environmental Training to take part in a pilot program which resulted in a computer program that can control the plant processes. He stated that, in treatment plant language, the change that is made today is not realized until 30 to 45 days later, due to detention times and the response of the biology that is associated with it. He explained that this program will take data from the plant's SCARDA system, and

through complex mathematical calculations, can determine where to make the change today that will tell where it will be in that 30 to 45 days once the system is calibrated. He stated that, in the past, what they had to do was make the changes that they believed to be the right ones and wait 30 days to find out if they were correct. Mr. Glass reported that the Maryland Department of the Environment (MDE) had enough interest in this to pay for the pilot. He stated that there is also a module for Enhanced Nutrient Reduction (ENR) that MDE will fully fund, but the City has to have this module before it can get the ENR module. He went on to report that a cost benefit analysis showed that the City could save between \$17,000 and \$20,000 per year in energy and chemical savings should the program be instituted. He stated that the total cost for the software, hardware, integration, training, support, and licensing is \$48,000, adding that the savings indicates a relatively short payback period. He recommended that the Common Council approve the Aquifas System Control Optimization Program and Connectiva's proposal and the transfer of funds as necessary in the amount of \$48,000.

President Halstad questioned whether there was a way to gauge the time before obsolescence kicks in.

Mr. Glass explained that there will be a change when the treatment plant changes for the ENR program, but at that time there will be an upgrade associated with it that MDE would pay for. He added that it is adaptable and has an expansion capability built in.

Mr. Whitson inquired as to when the new Wastewater Treatment Plant is supposed to be completed.

Mr. Glass explained that they estimate a year in design which should start within few weeks and then eighteen months in construction which would put the plant completely done and operational for ENR in two and a half years.

Dr. Wack inquired as to whether this will require any assistance from the City's Technology Services department and are they prepared to provide beyond the base requirements.

Mr. Glass stated that he has been in contact with Bob Miller of Technology Services and they are fully prepared.

Ms. Wolf added that nothing regarding technology comes before the Common Council until it gets approved by the IT unit.

Upon motion of Dr. Wack, seconded by Mr. Chiavacci and unanimously passed, proposal from Connectiva was approved and authorization was given to transfer necessary funds.

ORDINANCES AND RESOLUTIONS:

Ms. Wolf reported that the Westminster branch of the Carroll County Public Library is

ready to start working on getting a second piece for the Mary Lou Dewey Sculpture Park and they are vying for an investment tax credit from the Maryland Department of Housing and Community Development. She explained that the library will be applying for the grant through the non-profit organization of Community Foundation of Carroll County; therefore, they need the concurrence of the project from the City. Ms. Wolf recommended the approval of Resolution 11-7 so that the library can submit it with their grant application.

Mr. Whitson inquired as to whether or not there was any cost to the City. Ms. Wolf informed the Councilman that there would be no cost to the City at all.

Upon motion of Mr. Chiavacci, seconded by Mr. Whitson and unanimously passed, Resolution 11-7 was approved.

UNFINISHED BUSINESS:

Mr. Frazier reported that since the last meeting he has continued researching his recommendation to the Mayor and Common Council removing the parking meters in downtown Westminster and having time-limited parking by contacting Hampstead, Sykesville, and Mount Airy who are three of the municipalities in Carroll County that do not have parking meters in their main street areas. He stated that all three towns informed him that they were having no major problems with that arrangement. He did add that Mount Airy had an occasional issue with business owners parking in that free parking area, but the issue was handled by going into the business and asking them to move their car. He was told by the Town Manager of the same municipality that they like not having the meters and believe that it helps to bring people downtown. In addition, Mr. Frazier met with several different business owners in downtown Westminster. He stated that the majority of them support the concept of removing the parking meters. He added that those who were opposed worried about business owners and employees parking in those spots all day, but if there was a strictly enforced one or two hour time limit during the day, they would be supportive as well. Mr. Frazier stated that a couple of business owners informed him that the lost patrons in the past because they did not have money on them to pay for the meters, so they went elsewhere.

Dr. Wack inquired whether the business owners who were for the removal elaborated on why they felt that way.

Mr. Frazier stated that they felt that it would bring more customers to the downtown area. He added that they mentioned a meter that was in place in the past that could be turned to ten or fifteen minutes without paying anything, but he felt that the downside of those would be people abusing it and turning it continuously. He continued by saying that a couple business owners suggested that if the City wanted to keep the meters on Main Street then they should take them off the parking lots.

Mr. Whitson informed his fellow Common Council members that he liked the overall idea. He stated that he, too, talked with some business owners who were in favor of the

removal, adding that a couple said they lost customers due to receiving a parking violation.

President Halstad questioned whether it was still policy that the first meter violation was a warning.

Chief Spaulding confirmed that for the first meter violation in a calendar year a warning is issued.

Dr. Wack inquired as to whether or not there had been any discussions regarding the enforcement costs.

Chief Spaulding informed the Dr. Wack that they have not been asked to calculate the differences, but the issue is that they have to be able to prove, beyond reasonable doubt, that the vehicle did not move and then come back later to the same spot. He explained that the only way to do that is by physically chalking the tires, which they can testify in court that the tire was marked at a specific time and when the officer returned, the vehicle had not been moved. He stated that it is a time tested process, but it is also a labor intensive process, meaning the officer would have to go from one end to another and mark every tire. Chief Spaulding explained that the meter process is much simpler with either a violation or no violation. He attested that meters are a far more manageable process than marking tires for one hour parking.

Dr. Wack stated that if the City stays with one meter person, there is a decent chance that that person is not going to enforce all of Main Street.

Chief Spaulding agreed that managing parking would not be as efficient on Main Street. He added that additional attention that the officer would need for the enforcement on Main Street would take away from getting to the parking lots and garages.

Mr. Frazier questioned whether or not his idea of using digital camera was feasible.

Chief Spaulding reiterated that they would still need the marks to prove that the vehicle did not move and then come back.

Mr. Whitson inquired about the adjustable meters and whether they could be calibrated so that someone has to put money after the free time limit is up.

Chief Spaulding stated that he was unfamiliar with the concept, but that type of meter would require the City to invest in additional technology that it does not currently have.

Mr. Whitson stated that the biggest concern from people is that they run in to a store and run out and they get a ticket or a warning.

Chief Spaulding explained that the City loses a significant amount of revenue each year because of the first warning built into the system.

Dr. Wack described stories he has heard of business owner camping out in front of their store or another store, adding that that fight goes on all the time in every city. He feels that they should be very cautious about the problems that could arise by making this change because there may be a problem that the City is trying to solve that might end up creating more problems by changing it.

Mayor Utz inquired about the times that the meters are operational.

Chief Spaulding confirmed that they are operational Monday through Friday, 8:00 am to 5:00 pm.

Mayor Utz stated that there are nine hours a day that they are dealing with and everything else is free. He feels that it would be very difficult to change that process.

President Halstad agreed with Mayor Utz, adding that increasing downtown Westminster revenue relies on the restaurants and bars. He stated that those patrons are not faced with any parking issues.

Mr. Beyard stated that when the Parking Committee originally discussed the parking issues, they talked about having 24/7 parking meter because there was the idea that the parking meter fund would then be balanced. He added that they decided to maintain the same hours that people knew, but increased the rate and added the progressive fine structure.

Mr. Chiavacci thanked Mr. Frazier for taking the time to talk to the business owners. He stated that when the analysis is really done, there is a common theme of business owners and employees parking in front of the businesses all day, adding that he experiences it each day. He explained that he would be more inclined to support the removal of the meters if there was an enforceable, forced turnover. He stated that he is aware that there is not a lot of revenue from the meters, but it is an amount that the City would have to make sure it could adjust the budget to cover it. He added that he is not willing to spend a lot of money to replace or upgrade to the adjustable meters. He concluded that in his opinion there is a lot of evidence showing that if the meters were removed, they may end up with other parking issues in a year or two.

President Halstad stated that the removal of the parking meters was definitely worth the debate since it had been almost ten years since the task force produced its report. He stated that he feels they need to leave everything the way it is. He feels that taking the meters away would do more harm than good by discouraging turnover. He stated that parking is a bargain in downtown Westminster compared to places like Baltimore City. President Halstad asked the Common Council for a consensus as to whether they want to move forward with the initiative or not. It was decided by a 3 to 2 vote that the City would not pursue the initiative of removing the parking meters in downtown Westminster.

NEW BUSINESS:

Mr. Beyard reported that the City has been the recipient of an annual grant from the Maryland Department of Human Resources from its Service-Linked Housing Program which is implemented by the Human Services Program (HSP) of Carroll County. He explained that the grant pays a portion of the HSP's Case Manager/Resident Advocate's salary which runs around \$38,000. He stated that each year the grant passes through the City, but the City has no liability. He added that the City enters into a sub-recipient agreement and the amount of the grant is matched by HSP. He explained that the individual is primarily a counselor and helps link clients with services in the community such as healthcare, financial advisors, or job training. Mr. Beyard stated that up until two weeks ago, there was a very strong feeling that there was not going to be any money; therefore, a line item was not included in the City's budget for FY2012. He continued by saying that the State decided to make a commitment for three years at \$17,500 per year. He reiterated that there is financial liability for the City, such as matching funds, adding that the only involvement for the City is to process the checks and pass the funding on to HSP. Mr. Beyard recommended the approval for the authorization for the City of Westminster to file an application with the Maryland Department of Human Resources for funding under Service-Linked Housing Program for fiscal years 2012, 2013, and 2014 in the amount of \$17,500 per fiscal year and authorize the Mayor to execute the grant application and any documents required to execute the program during the funding period. Upon motion of Dr. Wack, seconded by Mr. Whitson and unanimously passed, Mr. Beyard's recommendations were approved.

Ms. Wolf informed that Mayor and Common Council the City has a form that is used when closing a meeting. She explained that the form gives fourteen different statutory authorities, or reasons that a meeting can be closed. She added that it is filled out by indicating the topics discussed and reason for closing, signed by the presiding officer, and kept with the official copy of the minutes. She stated that the City has offered the form to the County to look at in helping them out in identifying how to close for an executive session and what the reasons are.

Dr. Wack made a motion pursuant to Section 10-508-A-7 of the State Government Article of the Annotated Code of Maryland to conduct an executive session at the conclusion of the current meeting to consult counsel to obtain legal advice. Mr. Chiavacci seconded, and the motion passed unanimously.

DEPARTMENT REPORTS:

President and C.E.O. of the Westminster Fire and Hose Company No. 1 Bob Cumberland reported that the department is running well and fully staffed at the present time.

Mr. Glass reported that on July 20th, he, Ms. Wolf, and Councilman Frazier met with the Westminster Historic District Commission to discuss the proposed upgrades and enhancements for the City Hall building. He stated that through their communication

and explanation, they felt that the margin of differences was much thinner than anticipated. He feels that they can find the appropriate middle ground to cover everyone's concerns. He also reported that they met the prior week with Performance Food Group, formerly Carroll County Foods. He explained that they originally contacted him regarding the possibilities of expanding their current facility off Route 31. He stated that they would need approximately 50 gallons/minute for their new refrigerated facility. He explained that finding water on that side of the system was going to be impossible for their expansion. He stated that he came with the idea of using reused water from the City's Wastewater Treatment Plant, which is in an unlimited quantity. He informed the Mayor and Common Council that they are continuing to head in that direction, but they are still waiting to hear back from the State. He added that they will be very likely developing a fee structure to recoup some of the cost on that water.

Mayor Utz added that they do not know of any other city that has done this. He stated that these are the types of ideas that the City staff comes up with everyday.

Mr. Chiavacci stated that this will keep a significant business and employer in Carroll County.

Chief Spaulding reminded the Mayor and Common Council and the community that the Face the Truth Tour will be in downtown Westminster on Wednesday, July 27th from 4:00 pm to 5:00 pm at the intersection of Main Street and Railroad Avenue. He stated that several members of his staff will be onsite to assure that everything goes as planned and in a safe manner. He added that they have not been contacted by any counter demonstrators, but they will be prepared should they show up. Chief Spaulding reported that they recently swore in new police officer Chris Obst. He stated that Mr. Obst comes to Westminster with nine years of experience, a solid base of training, and a good personality.

Mr. Beyard informed the Mayor and Common Council that this would be his last meeting. He stated that he will work through the end of the current week before going on leave, then deploying at the end of August. He thanked everyone for their kind words that they have expressed and the support given.

Mr. Horn began discussion on the City Code and reported that one of the changes will involve signage. He stated that they are working on a sign code amendment based on the issues that have coming up to the Planning and Zoning Commission. He expects to have a draft amendment for the Commission at their August 11th meeting and he anticipates a public hearing the following month. He feels that it plays very well into the design guidelines as well, because the City would like to see new signage that will be sensitive to Main Street and historic Westminster, compared to what is seen on Route 140.

Ms. Wolf announced Beth Fahey, Eric Schlitzer, and Steven Launchi as the Employee of the Month for April, May, and June, respectively. She reported that they met with officials at McDaniel College to discuss item such as zoning, cell towers, and whether

the Ravens were returning to the college. She stated that next year will be their 15th year in Westminster. She explained that they asked the college to negotiate a door prize for next year's MML Convention and possibly an appearance in one of the City's parades. She stated that they are not looking for an extension, but to sign a new contract and they are discussing another fifteen years.

CITIZEN COMMENTS:

Lori Graham of 118 Pennsylvania Avenue reminded the Mayor and Common Council that August 3rd is the annual Shop With A Cop Back to School event at Dutterer Park from 10:00 am to 1:00 pm. She added that this year's event will be in conjunction with the Boys and Girls Club of Westminster. She also announced that Fallfest will be held this year September 22nd through September 25th with Midnight Madness downtown on the 23rd. She then suggested that the City develop a program where store patrons receive incentives for shopping downtown, such as a token or a quarter to pay for parking. She feels that taking the meters away would be a big mistake and the parking will get abused.

Lyndi McNulty of 195 West Main Street stated that she feels that chalking tires does not work especially if there is a shift change and the officer cannot check tires because they are getting ready to go off shift.

ADJOURN:

Council President Halstad adjourned the meeting at 8:20 PM.

Respectfully Submitted,

Elizabeth L. Fahey